

UNITED STATES DISTRICT COURT SAN FRANCISCO

JUN 16 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,
Plaintiff

Cs#: 14-0306WHA

v.

URGENT

LUKE BRUGNARA,
Defendant

EMERGENCY MOTION
TO ORDER BOP TO COMPLY/
FOLLOW FIRST STEP ACT
FEDERAL LAW - IMMEDIATELY
PLACE BRUGNARA IN RRC ^{HOME} 2500
MILES FROM SF, FOR 6 MONTHS ^{CONFINEMENT}
AS MANDATED BY CONGRESS
DECLARATION LUKE BRUGNARA

Brugnara files this EMERGENCY MOTION with this Court to Order Bureau of Prisons ("BOP") to comply/follow the FIRST STEP ACT FEDERAL LAW, fully enacted July 19, 2019, which REQUIRES BOP to place Brugnara in HOME CONFINEMENT for "the final 10% of his sentence, or six (6) months of his sentence, whichever is less." Accordingly, Brugnara should have been released to home confinement on May 27, 2020 - 2 weeks ago - pursuant to Federal Law. Additionally, FIRST STEP ACT FEDERAL LAW required Brugnara to be 2500 miles from San Francisco, which BOP has flouted/ignored/not-complied with Federal Law.

Brugnara was given a furlough and bus ticket itinerary for Geocare, SF, RRC placement on June 4th, 2020 by BOP, so Brugnara chose not to bother this Court with BOP's non-compliance for 7 days (May 27th - June 4th); moreover, Brugnara understood Geocare would immediately release Brugnara to home confinement. However, days before his June 4th departure, after Brugnara spent two (2) weeks in the requisite "quarantine unit" for release, BOP told Brugnara he would need to take a COVID-19 test before release. Brugnara agreed and took the test.

1. Per First Step Act Federal Law regarding "non-compliance by BOP" (2)
 Case 3:14-cr-00306-WHA Document 913 Filed 06/16/20 Page 2 of 6
 prior to ~~submitting~~ filing this motion.

2. FIRST STEP ACT Federal Law SUPERCEDES/ supplants all prior case(s) precedent permitting BOP full autonomy in placement of inmates. First Step Act law is the NEW Federal Law thereto.

a few days later, which involved a metal-wire surab ten (10) inches long being probed up his nose into his forehead sinus cavity... The BOP said Brugnara's release would be delayed a few days because of the COVID-19 test. Brugnara's COVID-19 test results came back negative on June 3rd, 2020 and Brugnara was given a new furlough documentation and bus ticket itinerary for a June 9th, 2020 release to S.F. Geocare (see attached)... Brugnara, under direction of BOP, sent by U.S. Mail, all of his voluminous Federal legal material and personal documents (letters, etc.) to Sea Cliff, SF, after receiving the first signed furlough release and bus ticket/itinerary weeks earlier, and gave away all of his property to go to "quarantine" (24/7 medical lockdown quarantine) to be released home in SF.

The day before Brugnara's release to S.F. Geocare, June 8th (literally hours before Brugnara's 2nd release furlough), BOP told Brugnara his "halfway house is cancelled because Geocare S.F. does not want you"... This is violation of Federal Law FIRST STEP ACT and Constitutional Law - EQUAL PROTECTION UNDER THE LAW. Brugnara should not even be required to go to RRC under FIRST STEP ACT FEDERAL LAW because he is low points (14 pts = LOW), white-collar, non-violent inmate = GUARANTEED 6 MONTHS HOME CONFINEMENT (on 84 month sentence). This is unequivocal, irrefutable, and the Law. BOP simply is violating Federal Law and Brugnara's rights thereto. Moreover, BOP Policy also requires Brugnara to receive 6 months halfway house, and requires 6 months RRC "to reintegrate back into the community". Brugnara's rights under Equal Protection Under the Law are violated because ALL other white-collar inmates get 6 months, or more, of RRC/home confinement (inmates: Thiel-10 mos, Castelli-7 mos, Vega-6 mos, Stephens 8 mos). 1. 2.

Time is of the essence. Brugnara has several pending Federal civil matters in S.F. that necessitate Brugnara's involvement and participation. More importantly, Brugnara's family, including four children (2 minors) have not seen Brugnara in 5 years due to BOP shenanigans, and desperately need their father. Brugnara completed his sentence. BOP must follow Federal Law FIRST STEP ACT.

I DECLARE UNDER PENALTY THE FOREGOING TRUE AND CORRECT:

LUKE BRUGNARA

Respectfully, 5/8/20

Brugnara

BP-A0291

NOV 12

FURLOUGH APPLICATION - APPROVAL AND RECORD

CDERM

Sequence: 166582

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate's Name BRUGNARA, LUKE D	Register No. 12047-111	Institution(address and phone number) FLORENCE FCI P.O. BOX 6500 FLORENCE, CO 81226 (719)784-9100
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APPLICATION

Purpose of Visit Furlough Transfer to RRC	Sentry Assignment FURLTRANS	Date/Time of Departure 06/09/2020 06:00	Date/Time of Return N/A
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RECEIVED

Furlough Address (include name of responsible party if applicable):
RRC GEO-TAYLOR STREET FACI SF, 111 TAYLOR STREET, SAN FRANCISCO, CA. 94102

JUN 16 2020

Telephone No. (Including Area Code): 415-346-9769

SUSAN Y. SOONG

Point of Contact for Emergency Unit Manage, Opts. Lt	Method of Transportation Town Driver, Bus, Taxi	Detainer/Pending Charges Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Verified by CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA
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NOTE TO APPLICANT: You are reminded that should any unusual circumstances arise during the period of your visit, you should notify the institution immediately at telephone: (719)784-9100

UNDERSTANDING

I understand that if approved, I am authorized to be only in the area of the destination shown above and at ordinary stopovers or points on a direct route to or from that destination. I understand that my furlough only extends the limits of my confinement and that I remain in the custody of the Attorney General of the United States. If I fail to remain within the extended limits of this confinement, it shall be deemed as escape from the custody of the Attorney General, punishable as provided in Section 751 of Title 18, United States Code. I understand that I may be thoroughly searched upon my return to the institution and that I will be held responsible for any item of contraband or illicit material that is found. I have read or had read to me, and I understand that the foregoing conditions govern my furlough, and will abide by them. I have read or had read to me, and I understand the CONDITIONS OF FURLOUGH as set forth on the reverse of this form.

See Signature Page, BP-A0291IS

See Signature Page, BP-A0291IS

BRUGNARA, LUKE D

Witness

Signature of Applicant

06/04/2020

Title

Date Signed

ADMINISTRATIVE ACTION

Information Verified by S. Smith	Title Case Manager
Name Of USPO Notified Anthony Castellano, Chief	Date of Notification 03/19/2019
Does USPO Have Any Objections to Furlough? (If so, explain) None	

APPROVAL

Approval for the above named Inmate to leave the Institution on a furlough as outlined is hereby granted in accordance with P.L. 93-209 and the BOP Furlough Program Statement. The period of furlough is
from 06/09/2020 06:00 to 06/10/2020 16:45

As CMC, I have reviewed the Request for Activity Clearance (404) and the SENTRY CIM Clearance and Separatee Data and I recommend the inmate be approved to participate in this furlough.

☒ Yes ☐ No Signature of CMC

Chief Executive Officer (Name & Date) - Approval and signature certifies CIMS Clearance

☒ Approval ☐ Disapproval

Reason(s) for disapproval:

RECORD

Date/Time Released: 06/09/2020 06:00	Date/Time Returned: N/A
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Travel Schedule:

Depart FCI Florence, CO on 06/09/2020 @ 6:00 AM, en route to Pueblo bus station. Depart Pueblo on 06/09/2020 @ 8:35 AM, en route to California. Travel includes three (3) transfers in Denver, CO arriving @ 10:45 AM and departing @ 12:01 PM, Salt Lake City, UT arriving @ 10:35 PM and departing @ 11:30 PM, and Reno, NV arriving on 06/10/2020 @ 8:25 AM and departing @ 9:50 AM. Arrive in San Francisco, CA on 06/10/2020 @ 3:45 PM. Inmate advised to report to the RRC no later than; 4:45 PM via taxi. REQUIRED TO WEAR PROVIDED PPE WHILE ON FURLOUGH.

**STOP DETAIL****Stop Details:**

TUESDAY, JUN 09, 2020

PUEBLO, CO

Carrier: GLI

Sched# 9276
Arrive: N/A
Depart: 08:35 am

COLORADO SPRINGS, CO

Layover: 0h 10m

Carrier: GLI

Sched# 9276
Arrive: 09:25 am
Depart: 09:35 am

DENVER, CO

Carrier: GLI

Sched# 9276
Arrive: 10:45 am
Depart: N/A

DENVER, CO[transfer]
Carrier: GLISched# 1343
Arrive: N/A
Depart: 12:01 pm

DENVER AMTRAK STA (E, CO

Carrier: GLI

Sched# 1343
Arrive: 12:05 pm
Depart: 12:05 pm

FT COLLINS (E), CO

Carrier: GLI

Sched# 1343
Arrive: 01:05 pm
Depart: 01:05 pm

CHEYENNE (E), WY

Layover: 0h 10m

Carrier: GLI

Sched# 1343
Arrive: 01:50 pm
Depart: 02:00 pm

Reno, NV

[transfer]
Carrier: GLI

Arrive: N/A
Depart: 09:50 am

TRUCKEE, CA

Carrier: GLI

Sched# 8309
Arrive: 10:40 am
Depart: 10:40 am

COLFAX, CA

Layover: 0h 05m

Carrier: GLI

Sched# 8309
Arrive: 11:45 am
Depart: 11:50 am

ROSEVILLE (E), CA

Carrier: GLI

Sched# 8309
Arrive: 12:40 pm
Depart: 12:40 pm

SACRAMENTO, CA

Layover: 0h 30m

Carrier: GLI

Sched# 8309
Arrive: 01:15 pm
Depart: 01:45 pm

OAKLAND, CA

Layover: 0h 10m

Carrier: GLI

Sched# 8309
Arrive: 03:15 pm
Depart: 03:25 pm

SAN FRANCISCO, CA

Carrier: GLI

Sched# 8309
Arrive: 03:45 pm
Depart: N/A

CLOSE WINDOW

Layover: 0h 15m

Carrier: GLI

Arrive: 02:55 pm

Depart: 03:10 pm

RAWLINS (E), WY

Sched# 1343

Arrive: 04:50 pm

Depart: 04:50 pm

Carrier: GLI

ROCK SPRINGS, WY

Sched# 1343

Layover: 0h 30m

Arrive: 06:45 pm

[rest/meal]

Depart: 07:15 pm

Carrier: GLI

EVANSTON, WY

Sched# 1343

Layover: 0h 10m

Arrive: 08:55 pm

Depart: 09:05 pm

Carrier: GLI

SALT LAKE CITY, UT

Sched# 1343

[rest/meal]

Arrive: 10:35 pm

Carrier: GLI

Depart: N/A

SALT LAKE CITY, UT

Sched# 0005

[transfer]

Arrive: N/A

Carrier: AMT

Depart: 11:30 pm

ELKO (E), NV

Sched# 0005

Carrier: AMT

Arrive: 03:03 am

Depart: 03:03 am

WINNEMUCCA (E), NV

Sched# 0005

Carrier: AMT

Arrive: 05:40 am

Depart: 05:40 am

RENO AMTRAK (E), NV

Sched# 0005

Carrier: AMT

Arrive: 08:25 am

Depart: N/A